

11 CV 6356

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Morrison & Foerster LLP, 1290 Avenue of the Americas
New York, NY 10104; (212) 468-8000 [For Appellant]

ATTORNEYS (IF KNOWN)

Baker & Hostetler LLP, 45 Rockefeller Plaza
New York, NY 10111; (212) 589-4200 [For Trustee]CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned Denise L. CoteIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT 08-1789 #4259

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
		PERSONAL INJURY							
		PERSONAL INJURY							
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT				
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	DRUG	[] 423 WITHDRAWAL	[] 410 ANTITRUST				
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 625 DRUG RELATED	28 USC 157	[] 430 BANKS & BANKING				
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	SEIZURE OF		[] 450 COMMERCE				
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	PROPERTY		[] 460 DEPORTATION				
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 630 LIQUOR LAWS		[] 470 RACKETEER INFLU-				
ENFORCEMENT OF	LIABILITY		[] 640 RR & TRUCK		ENCED & CORRUPT				
JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 650 AIRLINE REGS		ORGANIZATION ACT				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 660 OCCUPATIONAL		(RICO)				
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	SAFETY/HEALTH		[] 480 CONSUMER CREDIT				
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	OTHER		[] 490 CABLE/SATELLITE TV				
STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL			[] 810 SELECTIVE SERVICE				
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE			[] 850 SECURITIES/				
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	LABOR		COMMODITIES/				
OVERPAYMENT OF	INJURY				EXCHANGE				
VETERAN'S BENEFITS			[] 710 FAIR LABOR		[] 875 CUSTOMER				
[] 160 STOCKHOLDERS SUITS			STANDARDS ACT		CHALLENGE				
[] 190 OTHER CONTRACT			LABOR/MGMT		12 USC 3410				
[] 195 CONTRACT PRODUCT			RELATIONS		[] 890 OTHER STATUTORY				
LIABILITY			LABOR/MGMT		ACTIONS				
[] 196 FRANCHISE			REPORTING &		[] 891 AGRICULTURAL ACTS				
			DISCLOSURE ACT		[] 892 ECONOMIC				
	ACTIONS UNDER STATUTES		[] 740 RAILWAY LABOR ACT		STABILIZATION ACT				
	CIVIL RIGHTS	PRISONER PETITIONS	[] 790 OTHER LABOR		[] 893 ENVIRONMENTAL				
			LITIGATION		MATTERS				
			[] 791 EMPL RET INC		[] 894 ENERGY				
			SECURITY ACT		ALLOCATION ACT				
					[] 895 FREEDOM OF				
REAL PROPERTY			IMMIGRATION		INFORMATION ACT				
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO			[] 900 APPEAL OF FEE				
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	VACATE SENTENCE			DETERMINATION				
[] 230 RENT LEASE &	[] 443 HOUSING/	20 USC 2255			UNDER EQUAL ACCESS				
EJECTMENT	ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 462 NATURALIZATION		TO JUSTICE				
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	APPLICATION		[] 950 CONSTITUTIONALITY				
[] 245 TORT PRODUCT	[] 445 AMERICANS WITH	[] 540 MANDAMUS & OTHER	[] 463 HABEAS CORPUS-		OF STATE STATUTES				
LIABILITY	DISABILITIES -	[] 550 CIVIL RIGHTS	ALIEN DETAINEE						
[] 290 ALL OTHER	EMPLOYMENT	[] 555 PRISON CONDITION	OTHER IMMIGRATION						
REAL PROPERTY	[] 446 AMERICANS WITH		ACTIONS						
	DISABILITIES - OTHER								
	[] 440 OTHER CIVIL RIGHTS								

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Counsel for Appellant Oversea Chinese Bank Nominees PTE Ltd.:
Morrison & Foerster LLP
1290 Avenue of the Americas
New York, New York 10104 (NY County)
Attn: Erica J. Richards, Esq.

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee:
Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 9/6/2011 SIGNATURE OF ATTORNEY OF RECORD

Erica J. Richards

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO ☒ YES (DATE ADMITTED Mo. 07 Yr. 2007)
Attorney Bar Code # ER5326

RECEIPT # ~~77878~~ 7787585

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)